

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-4720

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAMES ALBERT JONES,

Defendant - Appellant.

Appeal from the United States District Court for District of South Carolina, at Anderson. Henry M. Herlong, Jr., District Judge. (8:06-cr-01264-HMH-1)

Submitted: January 15, 2009

Decided: January 22, 2009

Before MOTZ and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Mario A. Pacella, STROM LAW FIRM, L.L.C., Columbia, South Carolina, for Appellant. Maxwell B. Cauthen, III, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Albert Jones pled guilty to possession of a firearm by a convicted felon, in violation of 18 U.S.C. §§ 922(g)(1), 924(e) (2006). He was sentenced to the mandatory minimum of 180 months' imprisonment and a five-year term of supervised release.* Jones' counsel has filed an appeal under Anders v. California, 386 U.S. 738 (1967), stating that, in his opinion, there are no meritorious issues for appeal, but raising the issue of whether Jones entered his guilty plea knowingly and voluntarily. Jones specifically challenges the district court's failure to vacate the plea when Jones stated at sentencing that he did not understand his mandatory minimum sentence. The Government declined to file a brief. Jones has filed a pro se supplemental brief. Finding no error, we affirm.

In the absence of a motion to withdraw a guilty plea, we review the adequacy of the guilty plea pursuant to Fed. R. Crim. P. 11 for plain error. United States v. Martinez, 277 F.3d 517, 525 (4th Cir. 2002). A review of the transcript of Jones' guilty plea hearing reveals that the district court fully complied with the requirements of Rule 11. Jones' plea was

*The district court granted Jones' 28 U.S.C. § 2255 (2006) motion raising a claim under United States v. Peak, 992 F.2d 39, 42 (4th Cir. 1993), and reinstated judgment for purposes of allowing Jones to file an appeal.

knowingly, voluntarily, and intelligently made, with full knowledge of the consequences attendant to his guilty plea. Specifically, we find the district court informed Jones of the statutory mandatory minimum sentence he faced and Jones acknowledged that he understood. We therefore find no plain error. We further find no merit to Jones' claim in his pro se supplemental brief.

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. We therefore affirm Jones' conviction and sentence. This court requires that counsel inform Jones, in writing, of his right to petition the Supreme Court of the United States for further review. If Jones requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Jones. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED